

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RYAN KING,

Plaintiff,

v.

Case No. 18-C-744

CRISTINA DEJESUS, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Ryan King is proceeding on Fourteenth Amendment claims in connection with Defendants' responses to his complaint about an earplug being lodged deep in his ear. A jury trial is set to begin on March 25, 2024. On March 18, 2024, Defendant Kendra Navarro, through her attorneys, moved for an order allowing her to testify by contemporaneous transmission, *i.e.*, Zoom or the equivalent, from a different location. Plaintiff does not oppose the motion.

Under Fed. R. Civ. P. 43(a), “[f]or good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.” Navarro explains that she recently relocated with her family to Tennessee and that it would cause her extreme and undue financial hardship to travel to Wisconsin to testify in person. Counsel anticipates that her testimony will last less than an hour. Based on the foregoing, the Court concludes that Navarro has shown good cause in compelling circumstances for testifying contemporaneously from a different location. Accordingly, the Court will grant her motion.

Navarro's counsel is responsible for making arrangements with the Court's IT staff to ensure Navarro is able to appear by contemporaneous transmission at the appointed time. Navarro should testify as though she is on the witness stand, meaning she should not refer to any electronic or paper documents unless the Court allows her to do so. Counsel should ensure that Navarro has access to copies of the exhibits that may be reviewed during her testimony, and, to the extent Counsel seeks to publish exhibits, that the jury is able to see both Navarro and the published exhibit.

IT IS THEREFORE ORDERED that Navarro's motion for remote trial testimony (Dkt. No. 211) is **GRANTED**.

Dated at Green Bay, Wisconsin this 20th day of March, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge